

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Police Commission	Meeting Date	July 22, 2016	
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.		End of Meeting: 11:14 a.m.
Present	Chair Charles C.C. Iona; Vice-Chair Mary K. Hertog; Commissioners: Catherine Adams, Gerald (Chip) Bahouth and Kevin Mince Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Peter Morimoto; Police Department: Chief of Police Darryl Perry; Deputy Chief of Police Michael Contrades; Captain Richard Rosa Public Testimony: Ms. Alice Parker speaking on Patrol Services Bureau of the Chief’s Monthly Reports				
Excused	Commissioner Savita Agarwal and Donald (Moki) Okami Sr.				
Absent					
SUBJECT		DISCUSSION		ACTION	
Call To Order		Chair Iona introduced Deputy County Attorney Peter Morimoto to Police Commission. He informed the Commission that Attorney Morimoto is taking the place of Deputy County Attorney Mahealani Krafft who has been reassigned to the Department of Water Board.		Chair Iona called the meeting to order at 9:00 a.m. with five (5) Commissioners present constituting a quorum.	
Public Testimony		The Commission received testimony from Ms. Alice Parker. Ms. Parker testified that the public needs to be educated on the proper way to act during a traffic stop. She stated that when stopped by an officer, the motorist should place their hands on top of the steering wheel and wait for further instructions from the officer. Also, the motorist needs to inform the officer where their license is kept, and if carrying a weapon, the motorist should immediately inform the officer where the gun is and make no sudden moves. Chair Iona noted for the record that, Ms. Parker’s testimony pertains to the Patrol Services Bureau Traffic Reports.			

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<p>Approval of Minutes for June 24, 2016.</p>	<p>Chair Iona asked if there were any corrections to the meeting minutes, and if there’s none, he would like to call for a motion to approve the meeting minutes.</p> <p>Commissioner Mince stated that he spoke to Assistant Chief Roy Asher to verify whether there were two separate roadblocks and his response was that there was only one roadblock for incoming and outgoing traffic. He asked that on Page 5 of the meeting minutes be amended to reflect that there was only one roadblock set-up and not another roadblock.</p> <p>Commissioner Adams noted that if you change the word "<i>another</i>" to "<i>the</i>" it would clarify that there was only one roadblock and not two separate roadblocks.</p> <p>Commissioner Mince stated that at the last Commission meeting, he realized that his tone of questioning may have come across as being crossed examined like and even accusatory, and for that he would like to apologize because that was not his intention; he was just trying to elicit the information.</p> <p>Staff acknowledged Commissioner’s Adam and Mince corrections and would make the necessary changes to the meeting minutes.</p> <p>With no further corrections to the meeting minutes, Chair Iona called for the motion to approve the meeting minutes as amended.</p>	<p>Commissioner Adams moved to approve the meeting minutes as amended. Commissioner Bahouth seconded. Motion carried 5:0</p>

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<p>Officer of the Month for July Richard Graham Nominated by: Sergeant Shane Sokei</p>	<p>On Friday, May 27, 2016, Officer Graham was dispatched to the bus stop fronting the Princeville Shopping Center, where he observed a male and a female exiting the bus and appeared to be yelling at each other and clearly intoxicated. When approaching the subjects to access the situation, the male subject turned to Officer Graham and attempted to push him. While trying to arrest the man, his female companion began to attack Officer Graham by punching him repeatedly in the head. Even while being attacked Officer Graham maintained his composure and was able to gain control of both subjects and take them into custody. What could have ended in a grave situation resulted in a successful arrest.</p> <p>In recognition of his outstanding actions, Chief Perry presented Officer Richard Graham with a Certificate of Exemplary Service.</p> <p>Vice Chair Hertog commended Officer Graham for showing such remarkable restraint and composure. Commissioner Mince asked with the recent incidents involving people on the mainland in which some police officers (at times) would resort to the use of their firearms as the weapon of first choice rather, than the last choice, asking what went through his mind in terms of how he was going to deal with the situation and why didn't he go directly to his firearm.</p> <p>Officer Graham replied that his training played a major role on he handled the situation and that he already knew in his mind that he was going to overcome the situation without having to use his firearm.</p>	
<p>Chief's Monthly Reports</p>	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau – recruitment, records section, training and bench warrant tracking reports and legal documents process reports. 2. Fiscal Report 3. Investigative Bureau Reports 	

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	<p>4. Patrol Services and Traffic Reports 5. Community Oriented Reports 6. Chief's announcements and pertinent updates</p> <p>Chief Perry asked Assistant Chief Roy Asher to explain the basic principles for conducting a safe traffic stop. A/C Asher explained that the basic principles for conducting a safe traffic stop begins with the officer flashing his blue lights, and if need be, sound the siren. He further explained that in all cases, the police officer would try to get the motorist to go to an area where it's safe for both the motorist and the officer. The next step is to approach the motorist from behind to give the officer a chance to check out the interior of the car to see if there's a weapon in the car. The next step is to ask the motorist to provide the proper papers. He added that he agrees with Ms. Parker that placing both of hands on the car's steering wheel is the proper thing to do and what the officer would like to see.</p> <p>Chair Iona asked what happens if the motorist identifies that they have a weapon in the car to which A/C Asher replied, that state of Hawai'i does not have a concealed weapon carry or open carry law, so they shouldn't have a weapon in their car, but if there is one it should be kept in the trunk of the car where it's not reachable.</p> <p>Vice Chair Hertog stated that there seems to be a significant increase in the number of sexual assault cases reported for last month and this month, asking if that is something that the department keeps track of since the increase is due to the victims feeling comfortable enough to report that they were sexually assaulted. Chief Perry stated that the department keeps track of all reported sexual assault cases, and although there is an increase in sexual assault cases reported, he's positive that there are a number of unreported cases out there as well.</p>	

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	<p><u>Chief’s announcements and pertinent updates</u></p> <ul style="list-style-type: none"> • The Kaua‘i Police Department held its 87th Police Recruit graduation ceremony last month at the Kaua‘i Community College Performing Arts Center. • The Kaua‘i Police Activities League held its 1st Annual Hammerhead Sprint Triathlon on July 17, 2016. • SHOPO union contract negotiations are still on-going 	
<p>Business KPC 2016-06</p>	<p><u>Discussion and decision-making on identifying and proposing substantive and non-substantive changes to the Police Commission Rules of Administrative and Practice and Procedure. (On-going)</u></p> <p>Vice Chair Hertog stated that the final draft is eighty percent complete and if any of the Commissioners have any additional comments or suggestions to make, today would be the day to give it to either herself or Commissioner Mince so they can continue to finalize the document before sending it the County Attorney and the Chief for one final review.</p> <p>Commissioner Mince stated that he understands that the discussion regarding disciplinary for the Chief of Police must done in executive session, asking once the decision has been made would it be inserted into the rules to which Vice Chair Hertog replied, yes.</p> <p>With no further discussion, Chair Iona thanked everyone especially Vice Chair Hertog and Commissioner Mince for doing a great job on updating the rules.</p>	

SUBJECT	DISCUSSION	ACTION
Announcements	Chair Iona announced the next regular meeting is scheduled for Friday, August 26, 2016, at 9:00 a.m. at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
Executive Session	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of June 24, 2016, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.	At 9:25 a.m. Vice Chair Hertog cited the HRS to bring the meeting into Executive Session.
ES KPC 2016-015	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (1), (2), (4) and (5), the purpose of this Executive Session is to consider a request for legal representation be provided by the Kaua'i County Attorney's Office to Chief of Police Darryl D. Perry, Deputy Chief of Police Michael M. Contrades and Assistant Chief of Police Roy A. Asher, in both their individual and professional capacities as it relates to <u>Civil No. CV16-00350</u> filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, Police Chief Darryl D. Perry, Deputy Chief of Police Michael M. Contrades, Assistant Chief of Police Roy A. Asher; and DOE Defendants 1-100. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Police Commission as the may relate to this agenda item.	
ES KPC 2016-016	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) (4) (8), the purpose of the Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and/or liabilities as they may relate to a request for assistance from Chief of Police Darryl D. Perry to have documents and materials associated with his suspension removed from his personnel file, and other related matters.	
ES KPC 2016-017	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to consider dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be	

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	<p>involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item:</p> <ul style="list-style-type: none"> Memorandum dated July 11, 2016, from Chief of Police regarding, status on Police Commission notarized complaints and the Kaua'i Police Department's administrative investigations as of July 6, 2016. 	<p>Chair Iona called for a motion to enter into Executive Session.</p> <p>At 9:38 a.m. Commissioner Adams moved to enter into Executive Session. Commissioner Bahouth seconded the motion. Motion carried 5:0.</p>
<p>Return to Open Session to ratify the actions taken in Executive Session</p>	<p>At 11:13 a.m. the Commission reconvened in Open Session.</p>	<p>Commissioner Adams moved to ratify the actions taken in Executive Session for the following items. Commissioner Bahouth. Motion carried 5:0</p> <p>ES-33: Conference call with Attorney Corliss Chang.</p> <p>ES KPC 2016-014: Motion carried 5:0 to approve the Executive Session minutes of June 26, 2016.</p> <p>ES KPC 2016-015: With the absence of two (2) Commissioners and the recusal of Chair Iona and Commissioner Mince, a quorum</p>

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		<p>could not be ascertained to conduct business as it relates to this item. A special meeting was called and the notice of meeting and agenda will be posted according the Sunshine Law; once a quorum has been ascertained.</p> <p>ES KPC 2016-016: Motion carried 4:0 to request from Chief Perry that he provide the documents relating to his suspension. The second motion carried 4:0 to defer Chief Perry's request to be reimbursed for out-pocket-expenses to the Commission's special meeting, at a date, time to be announced.</p> <p>ES KPC 2016-017: A request was made by the Commissioners to invite Acting Lieutenant James Miller of the Office of Professional Standards to the next meeting in August.</p>
Adjournment	Vice Chair Hertog called for a motion to adjourn the meeting.	<p>Commissioner Adams moved to adjourn the meeting. Commissioner Bahouth seconded. Motion At 11:13 a.m.</p> <p>At 11:14 a.m. the meeting was adjourned.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Charles C.C. Iona, Chair

(X) Approved as circulated on August 26, 2016

() Approved as amended. See minutes of _____ meeting.